AMENDMENT

Please amend the above-referenced application as follows:

Listing of Claims:

Cancel claims 17 and 22.

Amend claims 11 & 20 as follows:

11. (Allowed) Automated lighting having a source of light formed by a plurality of light emitting diodes (LEDs) that are pivotably mounted on a support member with a universal joint so that said LEDs are adjustable to change at least one of an angle and a shape of a light beam produced by said LEDs.

12. (Allowed) The lighting of claim 11, wherein each of said LEDs comprises red, blue and green guns.

13. (Allowed) The lighting of claim 11, wherein said support member is planar.

14. (Allowed) The lighting of claim 11, wherein said support member is non-planar.

15. (Allowed) The lighting of claim 11, wherein each of said support member is movable between a planar and a non-planar configuration.

16. (Allowed) The lighting of claim 11, wherein each of said LEDs is pivotable in directions that are at right angles to each other.

17. (Cancelled) The lighting of claim 11, wherein each of said LEDs is mounted on said support member with a respective universal joint.

18. (Allowed) The lighting of claim 11 wherein adjustment of said LEDs is performed by an electric motor.

19. (Allowed) The lighting of claim 11, wherein adjustment of said LEDs emit white light.

20. (Currently Amended) A lighting apparatus, comprising: a support; and plural light emitting diodes (LEDs) that are each pivotably mounted on said support with a

universal joint and that together form~~from~~ a source of light.

21. (Original) The lighting apparatus of claim 20, wherein said support is movable between a planar and non-planar configuration.

22. (Cancelled) The lighting apparatus of claim 20, wherein each of said LEDs is attached to said support with a universal joint.

23. (Original) The lighting apparatus of claim 20, wherein the source of light is a white light.

24. (Currently Amended) The lighting apparatus of claim 20, further comprising at least two elongated elements that are attached to said LEDs and that are movable and cause pivotal motion of said LEDs.

25. (Original) The lighting apparatus of claim 20, wherein each of said LEDs is pivotable in directions that are at right angles to each other.

26 (Currently Amended) A lighting apparatus, comprising:

a support;

plural light emitting diodes (LEDs) that are each pivotably mounted on said support and that together form ~~from~~ a source of light; and

elongated elements attached to said LEDs that are movable and cause pivotal motion of said LEDs.

27. (Previously Added) The lighting apparatus of claim 26, wherein said support is movable between a planar and non-planar configuration.

28. (Previously Added) The lighting apparatus of claim 26, wherein each of said LEDs is attached to said support with a universal joint.

29. (Previously Added) The lighting apparatus of claim 26, wherein the source of light is a white light.

30. (Previously Added) The lighting apparatus of claim 26, wherein each of said LEDs is pivotable in directions that are at right angles to each other.

31. (Original) Automated lighting having a source of light formed by a plurality of light emitting diodes (LEDs) that are pivotably mounted on a support.

Please add the following new claims:

32. (New) The lighting apparatus of claim 31, wherein said support is movable between a planar and non-planar configuration.

33. (New) The lighting apparatus of claim 31, wherein said LEDs are attached to said support with a joint.

34. (New) The lighting apparatus of claim 31, wherein the source of light is a white light.

35. (New) The lighting apparatus of claim 31, further comprising at least two elongated elements that are attached to said LEDs and that are movable and cause pivotal motion of said LEDs.

36. (New) The lighting apparatus of claim 31, wherein said LEDs are pivotable in directions that are at right angles to each other.

37. (New) The lighting apparatus of Claim 31, wherein the apparatus has a center axis and said LEDs are pivotable in directions that are at right angles to the center axis of the apparatus.

38. (New) the lighting apparatus of Claim 31, wherein the apparatus has a center axis and said LEDs is pivotable in directions in-line with the center axis of the apparatus.

39. (New) The lighting apparatus of claim 31, wherein the pivoting of the LEDs results in modification of the width of the light beam formed by the LEDs.

40. (New) The lighting apparatus of claim 31, wherein the pivoting of the LEDs results in modification of the direction of the light beam formed by the LEDs.

41. (New) A lighting apparatus comprising a plurality of light emitting diodes (LEDs) that are pivotably mounted on support to form a light beam whose characteristics change as the LEDs are pivoted.

42. (New) The lighting apparatus of claim 41 where a characteristic of the light beam that changes as the LEDs pivot is the width of the beam.

43. (New) The lighting apparatus of claim 42 where the light beam is near round and the width of the beam is the beam diameter.

44. (New) The lighting apparatus of claim 41 where a characteristic of the light beam that changes as the LEDs pivot is the height of the beam.

45. (New) The lighting apparatus of claim 41 where a characteristic of the light beam that changes as the LEDs pivot is the direction of the light beam.

46. (New) The lighting apparatus of claim 41 where the light beam width and/or direction change as the LEDs pivot.

47. (New) The lighting apparatus of claim 46 where the light beam is near round and the width of the beam is the beam diameter.

48. (New) The lighting apparatus of claim 41 where the light beam height and/or width and/or direction change as the LEDs pivot.

RESPONSE

At the time of the above-referenced Office Action claims 11-16, 19-21, and 23-31 were pending in this application. In the Office Action, the Examiner:

(1) accepted claims 11-16, 18, and 19,

(2) rejected claims 20,21, and 23-30 under 35 USC §112 Second Paragraph but later indicated that those claims would be allowable if the appropriate corrections were made to the claims; and

(3) rejected claim 31 under §102 citing US Patent No. 5,595,441 to McGee ("*McGee*").

Accepted and Allowable claims. Prior to discussing the rejected claims and the amended and new claims, the applicant thanks the Examiner for allowance of claims 11-16, 18 and 19 his indication of the allowability of claims 20,21 and 23-30.

Section 112. The Examiner has correctly pointed out a typographical error in claims 20 and 26 where the word "form" was incorrectly spelled "from." By amendment above, the error has been corrected and now claims 20, 21 and 23-30 should be in allowable form.

Section 102 –McGee. As previously stated the Examiner has rejected claim 31 as being anticipated by *McGee*. Particularly the Examiner cites Fig. 8 from *McGee*:

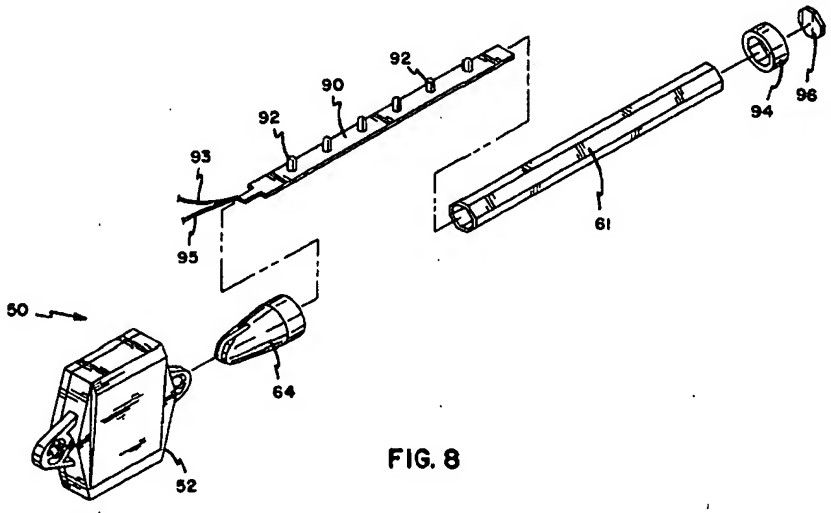


FIG. 8

The Examiner cites this figure as follows:

> 5. Claim 31 is rejected under 35 U.S.C. 102(b) as being anticipated by McGee (5595441). McGee shows in Fig.8; a source of light formed by a plurality of LEDs "92" that are pivotally mounted via pivot mount "64" to support "61" which houses the circuit board "90".

While it is true that *McGee* discloses a device that uses LED that are pivot mounted. this pivot mounting performs a completely different function. In *McGee* this pivot mounting serves a dual purpose, neither of which is the function of the pivot mounting of the present invention. The two functions served by the pivot mounting in *McGee* are (1) to act as a switch for turning on the LED's to and (2) to increase the apparent width of a bicycle and bicyclist at night (ie running lights that extend from the center of the bike to make the bike look wider at night). In the present invention the pivot mounting functions to allow characteristics of a light beam to be changed.

McGee repeatedly points out that the function of the pivoting is to turn on and off the LED's. See for example:

> Preferably, the elongated illuminatable section can pivot between an open position and a closed position corresponding with an "on" and an "off" position, respectively. Pref- (col 2 line7-9)

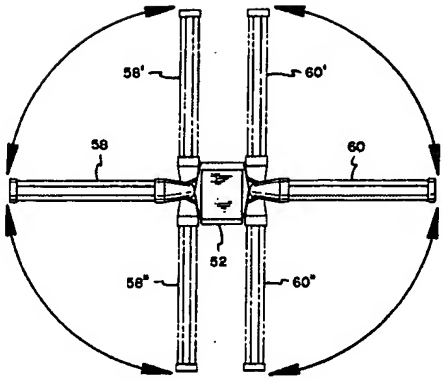
> illumination from the illuminatable tube. Preferably, the second elongated illuminatable section can pivot between an open position and a closed position. Preferably, elongated (col 2 line18-20)

> The elongated section can pivot between an open and a closed position which correspond to "on" and "off" positions. The method includes increasing the visibility and/or (col 2 line 62-64)

> The adjustable left arm **58** and the adjustable right arm **60** can rotate or pivot on left ear **54** and right ear **56**, respectively, as demonstrated in FIG. **3**. As shown, adjustable left arm **58** can be moved between rear "on" position **58'** and forward "off" position **58"** Similarly, adjustable right arm **60** can be moved between rear "on" position **60'** and forward "off" position **60"** The arrows demonstrate the relative movement of each arm relative to the base unit **52**. (col 4 line 43-51)

and Fig. 3.

FIG. 3



The second purpose is also oft repeated in McGee. For example:

> width. Accordingly, it would be desirable to provide a safety lighting device which increases apparent width for all activities at night or during darkness. (col 1 lines 59-61)

> The elongated section can pivot between an open and a closed position which correspond to "on" and "off" positions. The method includes increasing the visibility and/or apparent width of a person on a bicycle or in-line skate.
>
> As used herein, the phrase "apparent width" is used to describe the width of a person or object as it would be perceived by one viewing the person or object under adverse lighting conditions, such as darkness encountered at night.

(col 2 line 62 - col 3 line 2)

Contrast this function with the "prior art" portion of the device described by McGee, the headlight 12 in Fig 1 below:

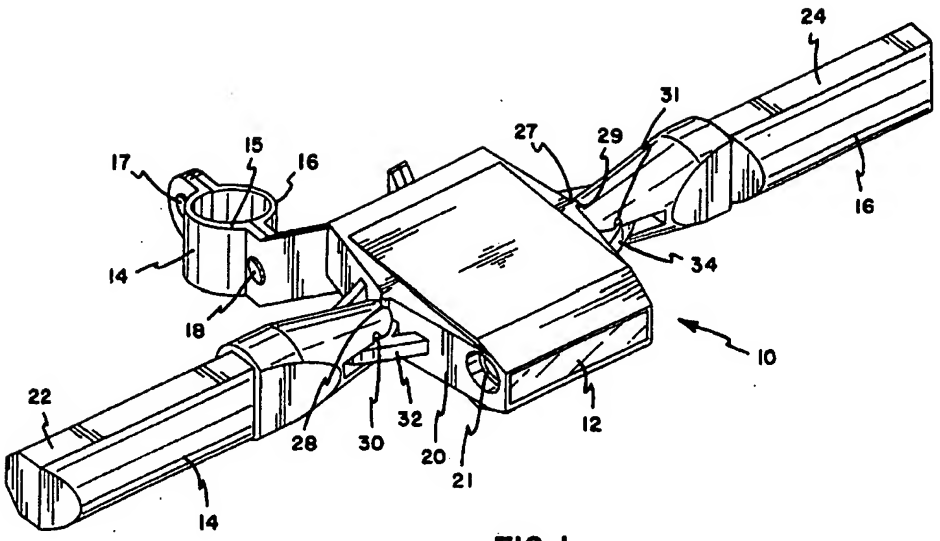


FIG. 1

In fairness the headlamp 12 is more comparable in function to the present invention than the elongated running lights 22 and 24 cited by the examiner. These running lights 22 and 24 are the sections that pivot to an "on" position so that the bike appears wider to others at night. The headlamp 12 in *McGee* similar to the present invention generates a light beam for the rider to see the road ahead. On the other hand the pivot mounted running lights are designed not to generate a light beam. To the contrary they are designed to refract the light by using a "scatter refractive material" to scatter light by refracting it, the opposite of the objective of the headlamp.

If the headlamp 12 of *McGee* were replaced with the present invention, the rider would be able to change the width of the beam to match his driving conditions. For example, for higher speeds, she could use a narrow beam to focus more light further ahead. For lower speeds, she could use a wider beam to spread out the light wider. In the present invention the pivoting can change the beam angle and the beam direction a completely different function from *McGee* which is turn on running lights when they are extended and then fold them away when they are not in use.

Claim 31. Claim 31 is directed to an **automated** light. In addition to the distinctions discussed above, *McGee*, the cited reference, does not disclose or suggest an **automated light**.

Claims 32-40. New claims 32-40 have been added - all claiming an automated light.

Claim 41-48. Claims 41-44 have also been added. Among other things, these claims are distinguished from *McGee* in that they include the limitation that " . . . a light beam whose characteristics change as the LEDs are pivoted". In *McGee*, even if the running light did generate a comparable light beam (which they do not) the characteristics of the light beam do not change as the LEDs are pivoted.

In view of the present amendments and remarks request and amendment and response, the present application should be in a condition for allowance. Reconsideration or the Bailey et al. based rejection and allowance are respectfully requested.

The Commissioner is hereby authorized to charge or credit any overpayment to the deposit account of Hulsey Grether + Fortkort LLP, Deposit Account No. 50-2726.

RESPECTFULLY SUBMITTED,
HULSEY GRETHER + FORTKORT LLP

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